IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 413 OF 2005

MOHANDAS DATTA NAIK AND 2 ORS., ...Petitioners

Versus

SMT. LAXMI NARAYAN NAIK AND 12 ORS., ...Respondents

Shri A. F. Diniz, Advocate for the Petitioners.
Shri S.D. Lotlikar, Sr. Advocate with Miss Kamaxi Sambari Advocate For Respondent No.1 to 13.

Coram:- R.M.S. KHANDEPARKAR, J.

Date:- 10th February, 2006

P.C.:

Heard.

The petitioners challenge the Order passed by the Court below condoning the delay of 648 days in filing the appeal. Upon hearing the learned Advocates for the parties and perusal of the record, it is seen that the trial Court on detail analysis of the materials on record has arrived at a clear finding that though the respondents had shown reasonable diligence in prosecuting the proceedings, however on account of failure on the part of the Advocate to file the appeal in time, there was a delay in filing the appeal. It has also been brought on record that the concerned Advocate for some time was not keeping good health and therefore had to depend on his juniors and in the process the appeal was not filed though necessary steps in that regard on the part of the respondents were taken and necessary instructions were given. In the circumstances, apparently the Court below has exercised its discretion judiciously and does not warrant any interference of this Court in exercise of its inherent powers under Art.227 of the Constitution.

Hence the petition stands rejected.

R.M.S. KHANDEPARKAR, J.

sl.